

## Submission of Background Information Author's Statement of Purpose

To: Anna Beth White, Committee Clerk  
Senate Committee on State Affairs

Cary Choate, Bill Analysis Coordinator  
Senate Research Center

From: Janice McCoy  
Senator Fraser

Date: April 27, 2007

re: HB 218 by Rep. Betty Brown

**I. In 500 words or less, please provide a statement of purpose on the proposed legislation.**

Under current law, to vote a regular ballot, voters are only required to present a voter registration certificate to a poll worker. While this practice attempts to ensure that only registered voters receive a regular ballot on Election Day, it leaves a potential loophole for fraud. Individuals are not required to show identification to register to vote. Because of this, it is possible for an unscrupulous individual to submit several falsified voter registration applications and to receive the voter registration certificates for the "fake" individuals. With the current process, no statutory standards exist to verify the identity of individuals at the polling place when they present a voter registration certificate. H.B. 218 modifies provisions requiring a voter to present proof of identification when offering to vote.



Please note that the committee staff and/or the Senate Research Center staff may edit submitted work for grammar and form prior to inclusion in the bill analysis.

HIGHLY CONFIDENTIAL

TX\_00085773

## **Submission of Background Information Author's Statement of Purpose**

**II. Please provide additional information on the proposed legislation by answering the following questions:**

**a. What is the specific problem being addressed by this legislation?**

Potential for voter fraud

**b. What is the current law on this issue?**

Under current law, to vote a regular ballot, voters are only required to present a voter registration certificate to a poll worker.

**c. How does this legislation address the issue differently from current law?**

This bill would require additional forms of identification in order to vote.

**d. Who do you believe will support this legislation? Why?**

Republicans. They say it will reduce voter fraud.

**e. Who do you believe will oppose this legislation? Why?**

Democrats. They say it will reduce voter turnout among those individuals who typically vote Democratic like the poor and the elderly.

Staff person assigned to this bill: Janice McCoy

Please note that the committee staff and/or the Senate Research Center staff may edit submitted work for grammar and form prior to inclusion in the bill analysis.

HIGHLY CONFIDENTIAL

TX\_00085774

## Submission of Background Information Author's Statement of Purpose

To: Patsy Spaw, Committee Clerk  
Senate Committee of the Whole

Amanda Austin, Bill Analysis Coordinator  
Senate Research Center

From: Janice McCoy  
Senator Fraser

Date: February 26, 2009

re: SB 362 - relating to requiring a voter to present proof of identification

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**I. In 500 words or less, please provide a statement of purpose on the proposed legislation.**

Under current law, to vote a regular ballot, voters are only required to present a voter registration certificate to a poll worker. While this practice attempts to ensure that only registered voters receive a regular ballot on Election Day, it leaves a potential loophole for fraud. Individuals are not required to show identification to register to vote. Because of this, it is possible for an unscrupulous individual to submit several falsified voter registration applications and to receive the voter registration certificates for the "fake" individuals. With the current process, no statutory standards exist to verify the identity of individuals at the polling place when they present a voter registration certificate. S.B. 362 modifies provisions requiring a voter to present proof of identification when offering to vote.



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HIGHLY CONFIDENTIAL

TX\_00085874

## **Submission of Background Information Author's Statement of Purpose**

**II. Please provide additional information on the proposed legislation by answering the following questions:**

**a. What is the specific problem being addressed by this legislation?**

Potential for voter fraud

**b. What is the current law on this issue?**

Under current law, to vote a regular ballot, voters are only required to present a voter registration certificate to a poll worker.

**c. How does this legislation address the issue differently from current law?**

The bill would require additional forms of identification in order to vote.

**d. Who do you believe will support this legislation? Why?**

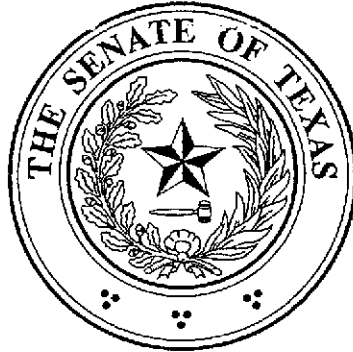
Those groups who believe that elections should be protected to ensure the registered person is who actually shows up at the poll to vote.

**e. Who do you believe will oppose this legislation? Why?**

Those groups who claim that a photo identification requirement will reduce voter turnout among the poor and the elderly.

Staff person assigned to this bill: Janice McCoy

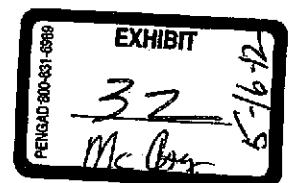
Please note that the committee staff and/or the Senate Research Center staff may edit submitted work for grammar and form prior to inclusion in the bill analysis.



# SENATE RULES

adopted by  
81st LEGISLATURE  
January 14, 2009

Senate Resolution No. 14



**Rule 5.10**

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not required to permit consideration to continue when a Senate bill day arrives (73 S.J. Reg. 1082 (1993)).

**SPECIAL ORDERS**

**Rule 5.11.** (a) Any bill, resolution, or other measure may on any day be made a special order for a future time of the session by an affirmative vote of two-thirds of the members present.

(b) A special order shall be considered at the time for which it is set and considered from day to day until disposed of, unless at the time so fixed there is pending business under a special order, but such pending business may be suspended by a two-thirds vote of all the members present. If a special order is not reached or considered at the time fixed, it shall not lose its place as a special order. All special orders shall be subject to any Joint Rules and Rule 5.10.

(c) Upon the affirmative vote of four-fifths of the members present, a special order may be reset to an earlier time than previously scheduled.

(d) Notwithstanding Subsection (a) of this rule, a bill or resolution relating to voter identification requirements reported favorably from the Committee of the Whole Senate may be set as a special order for a time at least 24 hours after the motion is adopted by a majority of the members of the Senate.

**Editorial Notes**

A bill once set as a special order does not lose its place on the calendar of special orders if not taken up at the hour for which it is set.

A special order, the hour for the consideration of which has arrived, takes precedence of the unfinished business unless the unfinished business is itself a special order.

**Notes of Rulings**

A bill being considered as a special order that is laid on the table subject to call is no longer a special order (43 S.J. Reg. 980 (1933)).

Refusal of Senate to set bill as special order for a certain hour does not prevent a motion being made and adopted

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**Rule 5.11**

immediately thereafter to set the bill as a special order for a different specified hour (45 S.J. Reg. 860 (1937)).

The motion to set a bill for a special order is not a proper substitute for a motion to suspend the regular order of business and take up a bill for immediate consideration (50 S.J. Reg. 1055 (1947)).

When the business before the Senate is a special order, the order of business may be suspended in order to consider other business (61 S.J. Reg. 2034 (1969)).

A motion to set a bill for special order may be made when the Senate is not in morning call (67 S.J. Reg. 1430 (1981)).

When the time set for consideration of a special order arrives, the special order displaces pending business (67 S.J. Reg. 1449 (1981)).

A motion to suspend the regular order of business is not in order when the time set for consideration of a special order has arrived (67 S.J. Reg. 1558 (1981)).

**REGULAR ORDER OF BUSINESS**

**Rule 5.12.** (a) Bills and resolutions shall be considered on second reading and shall be listed on the daily calendar of bills and resolutions on the President's table for second reading in the order in which the committee reports on them are received by the Senate. Upon the filing of a committee report on a bill or resolution as provided by Rule 11.12, the Secretary of the Senate shall note the date and time the report was filed. The Journal Clerk shall record the order in which the committee report was received in the Senate Journal for the day on which the Senate next convenes.

Rule 5.12

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(b) Bills and resolutions shall be considered on third reading in the order in which they were passed on second reading.

**Editorial Notes**

On the very important matter of the order of considering each of the several bills reported from committees, the rules of the Senate were silent until Senate Rule 5.12 was amended on June 6, 1947, to provide that bills be placed on the calendars of Senate and House bills on the President's table in the order in which the committee reports on the bills are submitted by the respective chairmen from the floor. Bills are listed for consideration on third reading in the order in which they have been passed by the Senate to engrossment or to third reading.

The Senate Agenda is prepared daily and lists the bills in their order of consideration.

**Notes of Rulings**

A bill may not be considered by the Senate which has not been reported from a committee (44 S.J. Reg. 713 (1935)).

A report of a committee on a bill may be received only, and the question of its adoption is not voted on by the Senate (42 S.J. 1 C.S. 748 (1931)).

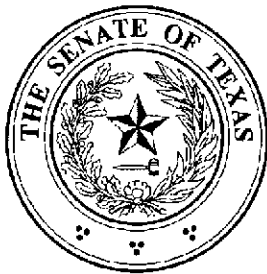
**SUSPENSION OF THE REGULAR ORDER OF BUSINESS**

**Rule 5.13.** No bill, joint resolution, or resolution affecting state policy may be considered out of its regular calendar order unless the regular order is suspended by a vote of two-thirds of the members present.

**Notes of Rulings**

By suspending the regular order of business, the Senate may take up a bill before the day to which it previously was postponed (67 S.J. Reg. 1057 (1981)).





# **PRESS RELEASE**

State Senator Troy Fraser  
The Capitol, Room 1E.15  
Austin Texas, 78701

FOR IMMEDIATE RELEASE  
January 20, 2011

Contact: Janice McCoy  
(512) 463-0124

## **FRASER APPLAUDS GOVERNOR PERRY DECLARING VOTER ID EMERGENCY ITEM**

"I want to thank Governor Rick Perry for declaring Voter ID an emergency item for the 2011 legislative session. By taking this action, the Legislature will be able to address this priority issue more quickly.

"For the third time, I am sponsoring a voter ID bill in the Texas Senate. Senate Bill 14 would require each voter show photo identification before being able to cast a ballot.

"I was successful in passing this legislation out of the Texas Senate last session, but it failed in the Texas House of Representatives due to a lack of time. By declaring this issue an emergency, we will be able to get started sooner.

"I expect the Texas Senate to act quickly to pass this legislation. I have extreme confidence that we will be able to get this bill to the Governor's desk for signature.

"Voter ID is simply putting into practice the intent of the current law – that the person who shows up at the polls is who he or she claims to be. Voter impersonation is a serious crime, but without a photo ID requirement we can never have confidence in our system of voting.

"This legislation is not a radical concept. I am just asking that every voter verify that "you are who you say you are" before casting a vote."

--30--

*Senator Fraser represents a 21-county region in the geographic center of the state. He is the Chairman of the Senate Committee on Natural Resources. He also sits on the following standing Senate Committees: Business and Commerce, Nominations, State Affairs, and International Relations and Trade.*



TX\_00086361

TEX00086361

9/2/2014

2:13-cv-00193

**From:** Jason Baxter <Jason.Baxter@senate.state.tx.us>  
**To:** Amanda Montagne <Amanda.Montagne@senate.state.tx.us>  
**Date:** 1/22/2011 4:53 PM  
**Subject:** Fwd: preclearance  
**Attachments:** VOTE - DOJ review.docx; ATT00001.htm

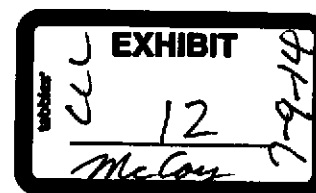
Begin forwarded message:

**From:** Bryan Hebert <Bryan.Hebert@ltgov.state.tx.us<mailto:Bryan.Hebert@ltgov.state.tx.us>>  
**Date:** January 22, 2011 4:41:19 PM CST  
**To:** Jason Baxter <Jason.Baxter@senate.state.tx.us<mailto:Jason.Baxter@senate.state.tx.us>>, Janice McCoy  
<Janice.McCoy@senate.state.tx.us<mailto:Janice.McCoy@senate.state.tx.us>>, Jonathan Stinson  
<Jonathan.Stinson@senate.state.tx.us<mailto:Jonathan.Stinson@senate.state.tx.us>>  
**Cc:** Blaine Brunson <Blaine.Brunson@ltgov.state.tx.us<mailto:Blaine.Brunson@ltgov.state.tx.us>>, Julia Rathgeber  
<Julia.Rathgeber@ltgov.state.tx.us<mailto:Julia.Rathgeber@ltgov.state.tx.us>>  
**Subject:** preclearance

Attached is a memo I've prepared assessing the chances of a Texas photo ID law being pre-cleared by the Obama DOJ. The bottom line: doubtful. To increase our chances, we might consider adding a longer list of acceptable photo IDs. I'd suggest using the language in Georgia's law (ie. any ID issued by the federal govt, state govt, or local govt within the state). At a minimum, we might use the language used in our bill that passed last session: "a valid identification card that contains the person's photograph and is issued by: (A) an agency or institution of the federal government; or (B) an agency, institution, or political subdivision of this state."

Of course, it is also an option to go around the DOJ and seek pre-clearance directly from a three-judge panel of the DC District Court, which might be more favorable to our law.

Bryan Hebert  
Deputy General Counsel  
Office of the Lieutenant Governor  
512-463-0001



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## STANDARD OF REVIEW BY DEPARTMENT OF JUSTICE

### Background

Section 5 of the Voting Rights Act states that a covered jurisdiction (such as Texas) may not implement a change in its election laws or practices unless the jurisdiction demonstrates the change will be free of any racially discriminatory purpose or effect and will not be "retrogressive" and diminish the ability of minority citizens to vote. A covered jurisdiction must submit a proposed election law for formal approval to either the United States Department of Justice - Civil Rights Division or to the United States District Court for the District of Columbia (represented by a randomly chosen three-judge panel) for a declaratory judgment that the proposed law is acceptable.

### Standard of legal review

Georgia is the only Section 5 state with a photo ID requirement. In 2005, mid-level DOJ staff rejected Georgia's proposed law, but were overruled by Bush-appointed senior DOJ staff. Presumably, senior staff appointed by Obama will be less inclined to do so. The 2005 DOJ legal review of the Georgia law indicates that the DOJ is most concerned with the following factors:

#### IS THERE A RETROGRESSIVE EFFECT?

- Did Texas produce or consider any evidence regarding whether Hispanics and blacks are less likely to possess or obtain a photo ID?
- How did the minority members of the legislature vote on the proposed changes in law?

#### IS THERE A LESS RETROGRESSIVE ALTERNATIVE?

- Are non-photo documents (birth certificate, social security cards, etc) proven to be unreliable or lack security (ie. is there evidence of theft, forgery, or fraud)?
- Is there evidence that criminal penalties are insufficient to deter voter fraud?
- Are there additional forms of photo ID that could be accepted for voting?

#### DOES THE NEW LAW INCLUDE MITIGATING EFFECTS?

- Are photo IDs free of charge and widely available?
- Is there a phased-in period of implementation?
- Are there "fail-safe" procedures (ie. permit voting if voter signs and affidavit, etc)?
- Are there education efforts targeted at minority communities?
- Is there a program designed to provide photo IDs in isolated and impoverished areas?
- Are there other programs or factors designed to minimize the impact on minority voters?

#### HOW DOES THIS LAW COMPARE TO THE LAW OF OTHER STATES?

- Is it more or less restrictive than identification laws in other states?

### Conclusion

The 2005 DOJ staff placed a lot of emphasis on whether a state allows non-photo ID options, accepts enough forms of photo ID, or includes a "fail-safe" procedure for voting without a photo ID. Without inclusion of these three options, it seems doubtful that the DOJ staff will recommend preclearance of a photo ID law.

It is also possible that the DOJ will be reluctant to deny preclearance and have the case go before the US Supreme Court, which could use the opportunity to overturn some or all of Section 5 of the Voting Rights Act.

It is unclear how a DC Circuit Court would rule on this matter and unclear how the US Supreme Court's 2008 ruling in the Indiana photo ID case or 2009 ruling in the NAMUDNO case would impact a DOJ decision.

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**From:** Bryan Hebert  
**Sent:** Wednesday, January 26, 2011 10:10 AM  
**To:** Ryan LaRue\_SC; Jonathan Stinson; Amanda Montagne  
**Cc:** Janice McCoy  
**Subject:** RE: Amendments

Let's do it now if possible. I have to be on the floor at 11am. We can meet in my office if that works.

**Bryan Hebert**  
Deputy General Counsel  
Office of the Lieutenant Governor  
512-463-0001

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**From:** Ryan LaRue\_SC  
**Sent:** Wednesday, January 26, 2011 10:10 AM  
**To:** Jonathan Stinson; Amanda Montagne; Bryan Hebert  
**Cc:** Janice McCoy  
**Subject:** Amendments

Just spoke with Janice and she would like to meet to discuss all the proposed amendments for the Voter ID Bill. What do your schedules look like?

**Ryan**

Ryan LaRue  
Committee Director  
Senate Committee on Transportation and Homeland Security  
Senator Tommy Williams, Chairman  
Sam Houston Building, Suite 450  
(o) 512.463.0067



**SB 14 by Fraser****Highlights**

- Requires voters to show a photo ID, except that people 70 or older as of January 1, 2012, may continue to vote with just their voter registration card
- Acceptable photo ID includes an unexpired card issued by DPS (for most this will be driver's license), a military ID, a passport, or a citizenship certificate with photo
- Requires DPS to provide a free photo ID to any registered voter who requests an ID
- Allows a voter to cast a provisional ballot if he/she does not have a Photo ID and return within 6 days with Photo ID to have the ballot counted
- Requires SOS and voter registrars to educate the public and train election workers on the new requirements, including mailing notice to each voter and posting notice outside all polling places
- Increases criminal penalties for illegal voting (mandatory jail time)

**Why I made the law stronger:**

"When I filed SB 178 in November (and re-filed SB 14 this month), I decided that a true photo identification bill was a better solution than the bill I proposed last session.

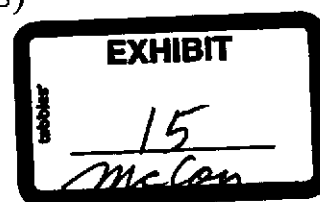
We've had two additional years to see Photo ID laws working in other states and two additional years to see that voter fraud is still a problem.

Only a true photo id bill, can deter and detect fraud and can protect the public's confidence in elections. Plus, I believe it simpler and less confusing for the voters."

**What the Supreme Court Requires of Voter ID Legislation:**

- LEGITIMATE STATE INTERESTS
  - Deterring and detecting fraud
  - Improving and modernizing election procedures
  - Protecting against fraud enabled by inaccurate registration rolls
  - Counting only eligible voters' votes
  - Protecting public confidence in elections
- MEASURES REQUIRED TO OFFSET BURDENS ON VOTERS
  - Access to free photo ID cards (SECTION 18)

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- Availability of provisional ballots and absentee ballots (SECTIONS 7 & 16)
  - Ensure that obtaining ID is no more inconvenient or burdensome than usual act of voting (SECTION 18)
- MEASURES RECOMMENDED TO OFFSET BURDENS ON VOTERS
  - Phase-in over 2 election cycles (Requirement effective 2012)
  - Exception for certain elderly voters (SECTION 7)

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**From:** Karina Davis  
**Sent:** Thursday, January 20, 2011 12:27 PM  
**To:** Blaine Brunson; Julia Rathgeber; joshgrobinson@gmail.com Robinson; Mike Walz; Jennifer Fagan; Porter Wilson; Janice McCoy  
**Subject:** RE: Announcement

We have a potential game plan. Jennifer is going to go run it by Duncan and circle back.

-----Original Message-----

**From:** Blaine Brunson [mailto:blabrunson@yahoo.com]  
**Sent:** Thursday, January 20, 2011 11:48 AM  
**To:** Julia Rathgeber; Karina Davis; joshgrobinson@gmail.com Robinson; Mike Walz; Jennifer Fagan; Porter Wilson; Janice McCoy  
**Subject:** Announcement

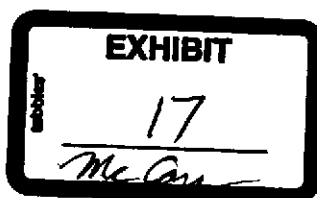
Eichler just came by with docs on voter id and fed balanced budget and was headed to file them. He thought govs press release would go out in next 15-20 minutes.

Met with sen Duncan he will chair cow and asked Jennifer to meet with karina on a draft plan and then for them to come meet with him in a few hours.

Relayed that to dhd and he said he would call us after his lunch was over. Prob in next 30 minutes or so.

I am signing some house docs and am available on my cell.

Sent from my iPhone



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TX\_00204729

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**From:** Jonathan Stinson  
**Sent:** Monday, January 24, 2011 10:09 AM  
**To:** Wroe Jackson  
**Subject:** FW: affidavit amendment

Jonathan Stinson  
Legislative Director  
State Senator Joan Huffman  
District 17  
P.O. Box 12068  
Austin, Texas 78711  
512.463.0117  
512.463.0639 fax  
[jonathan.stinson@senate.state.tx.us](mailto:jonathan.stinson@senate.state.tx.us)  
[www.huffman.senate.state.tx.us](http://www.huffman.senate.state.tx.us)

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**From:** Bryan Hebert  
**Sent:** Monday, January 24, 2011 9:37 AM  
**To:** Janice McCoy; Jonathan Stinson; Ryan LaRue\_SC; Amanda Montagne  
**Subject:** affidavit amendment

FYI – There will likely be an amendment offered tomorrow that proposes adding an option to allow a person to vote without a photo ID if the person signs an affidavit stating that they are who they say they are. Several states (LA, ID, MI, OK, SD) have this “fail-safe” option and the DOJ loves it. Indiana, however, does not have it, and the Supreme Court did not deem it necessary.

The argument against adding an affidavit exception is that anyone could forge a signature, vote, and leave undetected. There is no way to trace the forgery back to the person. It basically guts the bill and assumes that criminal penalties are a sufficient deterrent to voter fraud.

**Bryan Hebert**  
Deputy General Counsel  
Office of the Lieutenant Governor  
512-463-0001





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**From:** Janice McCoy  
**Sent:** Monday, January 24, 2011 8:01 AM  
**To:** Ryan LaRue\_SC; Amanda Montagne  
**Subject:** FW: '09 SB 362 Hearing Transcript  
**Attachments:** '09 SB 362 Hearing Transcript

As requested.

Also, in last year's information there are charts about the number of people with drivers licenses. Might be useful information if DPS can update it. If you don't have it, let me know.

Janice

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**From:** Jonathan Mitchell [<mailto:jonathan.mitchell@oag.state.tx.us>]  
**Sent:** Sunday, January 23, 2011 7:21 PM  
**To:** Janice McCoy  
**Subject:** Fw: '09 SB 362 Hearing Transcript



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**From:** Bryan Hebert  
**Sent:** Thursday, January 27, 2011 11:33 AM  
**To:** Jonathan Stinson; Janice McCoy; Amanda Montagne; Jennifer Fagan; Ryan LaRue\_SC;  
Wroe Jackson  
**Subject:** SB14 bill summary  
**Attachments:** VOTE - SB14 - engrossed- summary.docx

Attached is a summary of SB14 as passed by the senate.

**Bryan Hebert**  
Deputy General Counsel  
Office of the Lieutenant Governor  
512-463-0001



**VOTER ID BILL SUMMARY  
SB14 (82R engrossed)**

**SUMMARY**

SB14 would give Texas arguably the strictest photo ID law in the country. A review of the US Supreme Court's approval of Indiana's photo ID law and the DOJ's approval of Georgia's photo ID law indicate that SB14 is likely to be upheld under both constitutional review and Section 5 Voting Rights Act review.

SB14 requires a voter to provide one of six acceptable photo IDs on election day (TX DL, DPS ID card, military ID, passport, citizenship certificate, or CHL), except that there is an opportunity to opt out of the photo ID requirement for people who are over age 70 when the law takes effect or who provide a signature affirming that they are disabled, indigent, or have a religious objection to being photographed and therefore cannot get a photo ID.

If a person does not have acceptable ID on election day, they may cast a provisional ballot and return to the voter registrar within six days with acceptable ID and have their ballot counted.

The criminal penalties for attempting to vote fraudulently are increased.

There are several provisions requiring training of poll workers and notice and education for the public in multiple languages and formats. The education and training efforts begin now, but the new ID requirements will not apply until the 2012 primary election. The Secretary of State has federal HAVA funds available to pay for the education and training efforts.

**SUBSTANTIVE PROVISIONS**

- A voter must present an acceptable photo ID on election day:
  - (1) TX DL (current or expired no more than 60 days)
  - (2) ID card issued by DPS (current or expired no more than 60 days) - *provided free if requested by a voter*
  - (3) military ID (current or expired no more than 60 days)
  - (4) US passport (current or expired no more than 60 days)
  - (5) US citizenship certificate
  - (6) CHL (current or expired no more than 60 days)
- *Exception #1:* a voter who is 70 or older on 01/01/12 need only present a voter registration card on election day
- *Exception #2:* a voter who is disabled and has provided a physician certification of the disability to the registrar and received a registration card marked "Photo ID not required" need only present the registration card on election day
- *Exception #3:* indigent people and people with religious objection to being photographed may cast a provisional ballot on election day and return to the registrar within 6 days to sign an affidavit confirming their exempt status

- The name on the ID must be "substantially similar" to the name on the voter list. If a person does not have acceptable ID on election day, they may cast a provisional ballot and return to the voter registrar within six days with acceptable ID and have their ballot counted.
- All election workers must be trained in the new ID requirements. The SOS and counties must provide education and notice in multiple languages to voters, including signs at polling places, written notice included with registration cards, written notice to voters attempting to use unacceptable ID, educational materials on the SOS website, and a statewide education campaign organized by the SOS.
- The criminal penalty for voting fraudulently is increased from a third degree felony to a second degree felony, and the penalty for attempting to fraudulently vote is increased from a Class A misdemeanor to a state jail felony.



## OFFICE OF THE GOVERNOR

RICK PERRY  
GOVERNOR

## Bill Signing Ceremony

Contact: Janice McCoy

Phone #: 512-463-0124

Bill Number: SB 14

This bill signing will take place on **Friday May 27th** at 10am.

Members are allowed to invite stakeholders and co-authors. Space is limited so please consider this as you invite guests. Please note: These signings are private events, no media will be allowed in the signing ceremony. You are welcome to contact our press office at 463-1826 if you have any questions.

**All guests for the bill signing must be in the hall outside the Governor's Public Reception Room (2S.1) 10 minutes before your scheduled signing time.**

Author: **Troy Fraser**Sponsor: **Patricia Harless****Invitees Name and Title:**

1. Senator Tommy Williams
2. Borah Van Dormolen, National Committee Woman
3. Johnnie B Rogers (and Linda), SREC District 24
4. Skipper Wallace, RCCA Chairman
5. Melinda Fredricks
- 6.

**\*Please return guest list the day before your signing.**



Please return completed form to Julie Harker, Office of the Governor, State Capitol Building Room 1S.1, [Julie.harker@governor.state.tx.us](mailto:Julie.harker@governor.state.tx.us), or Fax to 475-2211. Call 463-1830 with any questions.



STATE OF TEXAS  
OFFICE OF THE GOVERNOR

RICK PERRY  
GOVERNOR

January 20, 2011

Mr. Robert Haney, Chief Clerk  
Texas House of Representatives  
State Capitol Room 2W.29  
Austin, Texas 78701

Dear Mr. Chief Clerk:

Pursuant to his powers as the chief executive officer and governor of the State of Texas, Rick Perry hereby submits the following message to the legislature under Article III, Section 5 of the Texas Constitution declaring the following as an emergency matter:

Legislation that requires a voter to present proof of identification when voting.

The original copy of this special message is attached to this letter of transmittal.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "G. Davidson", with a long horizontal flourish extending to the right.

Gregory S. Davidson  
Executive Clerk

GSD:gsd

Attachments

11 JAN 20 AM 11:35  
HOUSE OF REPRESENTATIVES

P. O. Box 12131 • Capitol Station • Austin, Texas 78711





STATE OF TEXAS  
OFFICE OF THE GOVERNOR

**TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE  
EIGHTY-SECOND TEXAS LEGISLATURE, REGULAR SESSION:**

I, RICK PERRY, Governor of the State of Texas, pursuant to Article III, Section 5, of the Texas Constitution and by this special message, do hereby submit the following emergency matter for immediate consideration to the Senate and House of Representatives of the 82nd Legislature, now convened:

Legislation that requires a voter to present proof of identification  
when voting.

Respectfully submitted,

  
RICK PERRY  
Governor

Austin, Texas  
January 20, 2011

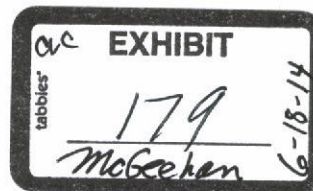
11 JAN 20 AM 11:35  
HOUSE OF REPRESENTATIVES

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**From:** Ann McGeehan [AMcGeehan@sos.state.tx.us]  
**Sent:** Thursday, January 08, 2009 8:55 AM  
**To:** Jennifer Fagan  
**Subject:** FW: # 16775: ID Voter Query  
**Attachments:** ID\_sw\_counts.xls

Jennifer, here is the spreadsheet which shows by county the number of ID voters statewide. Let me know if you have any questions.

Ann McGeehan  
Director of Elections  
Office of the Texas Secretary of State  
[amcgeehan@sos.state.tx.us](mailto:amcgeehan@sos.state.tx.us)  
512-463-9871





	A	B	C	D	E
1	County Code	County Name	Voter Registration	Voters Whose Identity Has Not Been Confirmed	Percentage
2	001	ANDERSON	26,067	1,907	7.32%
3	002	ANDREWS	8,193	622	7.59%
4	003	ANGELINA	46,116	3,601	7.81%
5	004	ARANSAS	15,413	1,160	7.53%
6	005	ARCHER	6,516	145	2.23%
7	006	ARMSTRONG	1,465	102	6.96%
8	007	ATASCOSA	23,236	1,095	4.71%
9	008	AUSTIN	17,251	259	1.50%
10	009	BAILEY	3,757	228	6.07%
11	010	BANDERA	14,187	670	4.72%
12	011	BASTROP	41,132	2,092	5.09%
13	012	BAYLOR	2,716	106	3.90%
14	013	BEE	14,835	536	3.61%
15	014	BELL	147,927	4,635	3.13%
16	015	BEXAR	874,955	45,628	5.21%
17	016	BLANCO	6,719	343	5.10%
18	017	BORDEN	435	5	1.15%
19	018	BOSQUE	11,912	1,088	9.13%
20	019	BOWIE	60,302	8,212	13.62%
21	020	BRAZORIA	174,372	8,203	4.70%
22	021	BRAZOS	85,252	10,025	11.76%
23	022	BREWSTER	6,096	909	14.91%
24	023	BRISCOE	1,188	55	4.63%
25	024	BROOKS	6,357	327	5.14%
26	025	BROWN	24,793	1,942	7.83%
27	026	BURLESON	10,769	300	2.79%
28	027	BURNET	25,442	2,987	11.74%
29	028	CALDWELL	19,887	1,523	7.66%
30	029	CALHOUN	12,494	877	7.02%
31	030	CALLAHAN	8,909	116	1.30%
32	031	CAMERON	166,933	77,432	46.39%
33	032	CAMP	7,085	572	8.07%
34	033	CARSON	4,404	17	0.39%
35	034	CASS	17,808	490	2.75%
36	035	CASTRO	4,179	140	3.35%
37	036	CHAMBERS	22,058	1,384	6.27%
38	037	CHEROKEE	27,045	1,389	5.14%
39	038	CHILDRESS	3,545	212	5.98%
40	039	CLAY	7,921	407	5.14%
41	040	COCHRAN	1,846	81	4.39%
42	041	COKE	2,502	143	5.72%
43	042	COLEMAN	6,170	198	3.21%
44	043	COLLIN	429,666	24,485	5.70%
45	044	COLLINGSWORTH	1,936	88	4.55%
46	045	COLORADO	13,757	717	5.21%
47	046	COMAL	69,775	6,770	9.70%
48	047	COMANCHE	8,966	176	1.96%

HIGHLY CONFIDENTIAL

TX\_00204714

	A	B	C	D	E
49	048	CONCHO	1,712	124	7.24%
50	049	COOKE	23,244	398	1.71%
51	050	CORYELL	35,981	2,956	8.22%
52	051	COTTLE	1,201	21	1.75%
53	052	CRANE	2,473	118	4.77%
54	053	CROCKETT	2,670	115	4.31%
55	054	CROSBY	3,860	64	1.66%
56	055	CULBERSON	1,980	70	3.54%
57	056	DALLAM	2,952	156	5.28%
58	057	DALLAS	1,123,758	39,062	3.48%
59	058	DAWSON	8,087	621	7.68%
60	059	DEAF SMITH	8,747	267	3.05%
61	060	DELTA	3,434	224	6.52%
62	061	DENTON	346,342	22,977	6.63%
63	062	DEWITT	11,850	307	2.59%
64	063	DICKENS	1,466	125	8.53%
65	064	DIMMIT	7,125	204	2.86%
66	065	DONLEY	2,451	49	2.00%
67	066	DUVAL	8,888	203	2.28%
68	067	EASTLAND	10,095	514	5.09%
69	068	ECTOR	65,675	2,237	3.41%
70	069	EDWARDS	1,492	99	6.64%
71	070	ELLIS	82,124	11,120	13.54%
72	071	EL PASO	371,087	2,006	0.54%
73	072	ERATH	20,491	1,162	5.67%
74	073	FALLS	9,150	417	4.56%
75	074	FANNIN	19,178	1,554	8.10%
76	075	FAYETTE COUNTY	15,632	574	3.67%
77	076	FISHER	2,960	147	4.97%
78	077	FLOYD	4,415	232	5.25%
79	078	FOARD	1,052	109	10.36%
80	079	FORT BEND	291,109	8,587	2.95%
81	080	FRANKLIN	6,438	794	12.33%
82	081	FREESTONE	11,184	467	4.18%
83	082	FRIO	10,524	623	5.92%
84	083	GAINES	7,129	187	2.62%
85	084	GALVESTON	191,078	21,342	11.17%
86	085	GARZA	2,968	162	5.46%
87	086	GILLESPIE	17,083	323	1.89%
88	087	GLASSCOCK	727	11	1.51%
89	088	GOLIAD	5,443	471	8.65%
90	089	GONZALES	12,515	999	7.98%
91	090	GRAY	14,255	147	1.03%
92	091	GRAYSON	71,633	4,619	6.45%
93	092	GREGG	67,205	4,130	6.15%
94	093	GRIMES	14,166	1,846	13.03%
95	094	GUADALUPE	71,220	4,672	6.56%
96	095	HALE	19,952	1,746	8.75%

HIGHLY CONFIDENTIAL

TX\_00204715

	A	B	C	D	E
97	096	HALL	2,147	68	3.17%
98	097	HAMILTON	5,693	20	0.35%
99	098	HANSFORD	3,055	216	7.07%
100	099	HARDEMAN	2,779	174	6.26%
101	100	HARDIN	35,247	3,193	9.06%
102	101	HARRIS	1,666,152	40,194	2.15%
103	102	HARRISON	40,578	917	2.26%
104	103	HARTLEY	2,787	183	6.57%
105	104	HASKELL	3,871	210	5.42%
106	105	HAYS	91,535	10,571	11.55%
107	106	HEMPHILL	2,255	48	2.13%
108	107	HENDERSON	48,532	46,244	95.29%
109	108	HIDALGO	307,491	7,084	2.30%
110	109	HILL	21,391	1,369	6.40%
111	110	HOCKLEY	13,329	408	3.06%
112	111	Hood	32,898	1,613	4.90%
113	112	HOPKINS	22,064	1,335	6.05%
114	113	HOUSTON	13,497	534	3.96%
115	114	HOWARD	16,833	880	5.23%
116	115	HUDSPETH	1,539	103	6.69%
117	116	HUNT	46,825	3,045	6.50%
118	117	HUTCHINSON	15,324	320	2.09%
119	118	IRION	1,241	39	3.14%
120	119	JACK	4,762	269	5.65%
121	120	JACKSON	8,680	104	1.20%
122	121	JASPER	20,621	652	3.16%
123	122	JEFF DAVIS	1,830	151	8.25%
124	123	JEFFERSON	143,693	5,287	3.68%
125	124	JIM HOGG	3,890	94	2.42%
126	125	JIM WELLS	25,599	887	3.46%
127	126	JOHNSON	78,825	6,620	8.40%
128	127	JONES	9,763	208	2.13%
129	128	KARNES	7,773	284	3.65%
130	129	KAUFMAN	55,752	2,700	4.84%
131	130	KENDALL	22,990	2,059	8.96%
132	131	KENEDY	334	25	7.49%
133	132	KENT	646	28	4.33%
134	133	KERR	33,143	1,257	3.79%
135	134	KIMBLE	2,875	131	4.56%
136	135	KING	205	34	16.59%
137	136	KINNEY	2,275	80	3.52%
138	137	KLEBERG	17,686	660	3.73%
139	138	KNOX	2,522	123	4.88%
140	139	LAMAR	28,494	848	2.98%
141	140	LAMB	8,416	438	5.20%
142	141	LAMPASAS	12,352	1,076	8.71%
143	142	LASALLE	3,880	196	5.05%
144	143	LAVACA	13,109	262	2.00%

TX\_00204716

HIGHLY CONFIDENTIAL

	A	B	C	D	E
145	144	LEE	9,329		
146	145	LEON	10,833	514	5.51%
147	146	LIBERTY	45,652	730	6.74%
148	147	LIMESTONE		3,026	6.63%
149	148	LIPSCOMB	13,756	88	0.64%
150	149	LIVE OAK	1,859	90	4.84%
151	150	LLANO	6,989	153	2.19%
152	151	LOVING	13,832	781	5.65%
153	152	LUBBOCK	111	2	1.80%
154	153	LYNN	165,639	8,475	5.12%
155	154	MADISON	3,878	261	6.73%
156	155	MARION	7,003	470	6.71%
157	156	MARTIN	7,045	461	6.54%
158	157	MASON	2,908	167	5.74%
159	158	MATAGORDA	2,856	49	1.72%
160	159	MAVERICK	20,647	850	4.12%
161	160	MCCULLOCH	25,616	2,902	11.33%
162	161	MCLENNAN	5,014	292	5.82%
163	162	MCMULLEN	125,319	7,410	5.91%
164	163	MEDINA	727	39	5.36%
165	164	MENARD	25,373	1,655	6.52%
166	165	MIDLAND	1,859	72	3.87%
167	166	MILAM	70,714	4,950	7.00%
168	167	MILLS	14,009	760	5.43%
169	168	MITCHELL	3,216	169	5.25%
170	169	MONTAGUE	4,520	248	5.49%
171	170	MONTGOMERY	12,682	249	1.96%
172	171	MOORE	236,207	8,731	3.70%
173	172	MORRIS	9,362	164	1.75%
174	173	MOTLEY	9,342	7,980	85.42%
175	174	NACOGDOCHES	907	855	94.27%
176	175	NAVARRO	32,298	2,569	7.95%
177	176	NEWTON	27,004	4,126	15.28%
178	177	NOLAN	9,250	74	0.80%
179	178	NUECES	8,709	428	4.91%
180	179	OCHILTREE	186,200	6,362	3.42%
181	180	OLDHAM	4,860	295	6.07%
182	181	ORANGE	1,359	125	9.20%
183	182	PALO PINTO	49,157	1,737	3.53%
184	183	PANOLA	16,611	634	3.82%
185	184	PARKER	15,522	307	1.98%
186	185	PARMER	70,556	3,484	4.94%
187	186	PECOS	4,723	227	4.81%
188	187	POLK	7,818	346	4.43%
189	188	POTTER	35,780	4,163	11.63%
190	189	PRESIDIO	51,977	2,200	4.23%
191	190	RAINS	5,206	489	9.39%
192	191	RANDALL	6,518	554	8.50%
			74,909	6,682	8.92%

HIGHLY CONFIDENTIAL

TX\_00204717



	A	B	C	D	E
193	192	REAGAN	1,864	73	3.92%
194	193	REAL	2,416	169	7.00%
195	194	RED RIVER	7,883	160	2.03%
196	195	REEVES	6,071	188	3.10%
197	196	REFUGIO	5,539	294	5.31%
198	197	ROBERTS	712	19	2.67%
199	198	ROBERTSON	11,318	864	7.63%
200	199	ROCKWALL	44,069	3,392	7.70%
201	200	RUNNELS	6,692	521	7.79%
202	201	RUSK	30,137	990	3.28%
203	202	SABINE	7,775	262	3.37%
204	203	SAN AUGUSTINE	6,279	302	4.81%
205	204	SAN JACINTO	15,078	833	5.52%
206	205	SAN PATRICIO	42,463	2,088	4.92%
207	206	SAN SABA	3,611	239	6.62%
208	207	SCHLEICHER	1,876	48	2.56%
209	208	SCURRY	9,557	819	8.57%
210	209	SHACKELFORD	2,294	168	7.32%
211	210	SHELBY	14,040	469	3.34%
212	211	SHERMAN	1,437	86	5.98%
213	212	SMITH	119,295	23,050	19.32%
214	213	SOMERVELL	5,456	171	3.13%
215	214	STARR	27,793	2,288	8.23%
216	215	STEPHENS	5,506	332	6.03%
217	216	STERLING	873	47	5.38%
218	217	STONEWALL	1,093	3	0.27%
219	218	SUTTON	2,588	46	1.78%
220	219	SWISHER	4,258	24	0.56%
221	220	TARRANT	914,265	25,355	2.77%
222	221	TAYLOR	74,042	2,362	3.19%
223	222	TERRELL	835	25	2.99%
224	223	TERRY	7,545	288	3.82%
225	224	THROCKMORTON	1,240	72	5.81%
226	225	TITUS	15,718	988	6.29%
227	226	TOM GREEN	64,828	1,487	2.29%
228	227	TRAVIS	613,469	25,183	4.11%
229	228	TRINITY	11,224	790	7.04%
230	229	TYLER	12,640	709	5.61%
231	230	UPSHUR	25,422	3,178	12.50%
232	231	UPTON	1,973	117	5.93%
233	232	UVALDE	15,901	85	0.53%
234	233	VAL VERDE	26,776	22,410	83.69%
235	234	VAN ZANDT	31,699	2,195	6.96%
236	235	VICTORIA	51,061	1,579	3.09%
237	236	WALKER	29,042	3,624	13.17%
238	237	WALLER	28,928	978	3.38%
239	238	WARD	6,166	174	2.82%
240	239	WASHINGTON	21,083	1,630	7.73%

HIGHLY CONFIDENTIAL

TX\_00204718

	A	B	C	D	E
241	240	WEBB	103,072	1,264	1.23%
242	241	WHARTON	24,211	1,379	5.70%
243	242	WHEELER	3,475	214	6.16%
244	243	WICHITA	79,160	46,837	59.17%
245	244	WILBARGER	8,125	139	1.71%
246	245	WILLACY	10,990	329	2.99%
247	246	WILLIAMSON	223,427	13,857	6.20%
248	247	WILSON	25,780	865	3.36%
249	248	WINKLER	3,631	9	0.25%
250	249	WISE	36,170	2,023	5.59%
251	250	WOOD	27,064	4,759	17.58%
252	251	YOAKUM	4,075	307	7.53%
253	252	YOUNG	10,920	736	6.74%
254	253	ZAPATA	7,254	269	3.71%
255	254	ZAVALA	7,792	283	3.63%
256					
257		Total	13,000,605	789,037	6.07%

HIGHLY CONFIDENTIAL

TX\_00204719

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**From:** John Sepehri  
**Sent:** Wednesday, February 25, 2009 11:22 AM  
**To:** 'Michael Schofield'  
**Subject:** FW: bill

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**From:** John Sepehri  
**Sent:** Wednesday, February 25, 2009 11:20 AM  
**To:** 'Jennifer Fagan'; Ann McGeehan; Elizabeth Hanshaw Winn  
**Subject:** RE: bill

Thanks Jennifer. I think we suggested ID notation legislation for this session but simply to codify our existing "two-step" ID notation practice. I think this bill differs from our existing practice, which I will discuss with Elizabeth and Ann. If someone wants to carry the bill attached to the below e-mail and the Legislature determines the bill is what it would like the procedure to be as a matter of policy, that is the Legislature's prerogative. I just wanted to be clear we didn't request the change to a "one step" ID notation practice (as noted in the memo I sent out on our legislative ideas for this session a few weeks ago).

JS

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**From:** Jennifer Fagan [<mailto:Jennifer.Fagan@senate.state.tx.us>]  
**Sent:** Wednesday, February 25, 2009 10:39 AM  
**To:** Ann McGeehan; Elizabeth Hanshaw Winn  
**Cc:** John Sepehri  
**Subject:** bill

Attached is another draft bill -- I can't remember if (1) you guys still needed this; and (2) whether this was the correct version.

Jennifer

Jennifer Fagan  
Committee Director/General Counsel  
Senate Committee on State Affairs  
Senator Robert Duncan, Chairman  
(512) 463-0380 tele  
(512) 463-0342 fax



By: \_\_\_\_\_

\_\_\_\_.B. No. \_\_\_\_\_

A BILL TO BE ENTITLED

AN ACT

relating to identification requirements for certain first-time voters.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 13.072, Election Code, is amended by amending Subsection (a) and adding Subsections (e) and (f) to read as follows:

(a) Unless the registrar challenges the applicant, the registrar shall approve the application if:

(1) the registrar determines that an application complies with Section 13.002 and indicates that the applicant is eligible for registration; and

(2) except as provided by Subsection (e) or (f), for an applicant who has not included a statement described by Section 13.002(c)(8) [~~13.002(c)(8)(C)~~], the registrar verifies with the secretary of state:

(A) the applicant's Texas driver's license number or number of a personal identification card issued by the Department of Public Safety; or

(B) the last four digits of the applicant's social security number.

(e) The registrar shall approve the application of an applicant who otherwise meets the qualifications for registration but states on the application that the applicant has not been issued



1 an identification number described by Section 13.002(c)(8). The  
2 registrar shall mark the list of registered voters with an  
3 annotation indicating that the voter whose application is approved  
4 under this subsection must provide a document or a copy of a  
5 document described by Section 63.0101 the first time the voter  
6 seeks to vote by appearing for voting in person or applying for a  
7 ballot to be voted by mail.

8 (f) If the secretary of state is unable to verify the  
9 applicant's Texas driver's license number, the number of a personal  
10 identification card issued to the applicant by the Department of  
11 Public Safety, or the last four digits of the applicant's social  
12 security number, the voter registrar shall approve the application  
13 and mark the list of registered voters with an annotation  
14 indicating that the voter whose application is approved under this  
15 subsection must provide a document or a copy of a document described  
16 by Section 63.0101 the first time the voter seeks to vote by  
17 appearing for voting in person or applying for a ballot to be voted  
18 by mail.

19 SECTION 2. Section 18.005(a), Election Code, as amended by  
20 Chapters 594 (H.B. 41) and 1295 (S.B. 74), Acts of the 80th  
21 Legislature, Regular Session, 2007, is reenacted and amended to  
22 read as follows:

23 (a) Each original and supplemental list of registered  
24 voters must:

25 (1) contain the voter's name, [~~residence address or~~  
26 ~~substitute post office box address, if required by Section~~  
27 ~~18.0051,~~] date of birth, and registration number as provided by the

1 statewide computerized voter registration list;  
2 (2) contain the voter's residence address, except as  
3 provided by Subsections (b) and (c) or Section 18.0051;  
4 (3) be arranged alphabetically by voter name; ~~and~~  
5 (4) contain the notation required by Section 15.111;  
6 and  
7 (5) identify each voter who failed to provide an  
8 identification number described by Section 13.002(c)(8) and each  
9 voter whose identification number was not able to be verified by the  
10 secretary of state with an annotation indicating that the voter  
11 must provide a document or a copy of a document described by Section  
12 63.0101 the first time the voter seeks to vote.  
13 SECTION 3. (a) The changes in law made by this Act to  
14 Section 13.072, Election Code, apply only to a person who submits an  
15 application to register to vote on or after September 1, 2009.  
16 (b) The changes in law made by this Act to Section  
17 18.005(a), Election Code, apply only to an election ordered on or  
18 after September 1, 2009.  
19 SECTION 4. To the extent of any conflict, this Act prevails  
20 over another Act of the 81st Legislature, Regular Session, 2009,  
21 relating to nonsubstantive additions to and corrections in enacted  
22 codes.  
23 SECTION 5. This Act takes effect September 1, 2009.